

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF December 1, 2006

(Published December 9, 2006, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
December 1, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 12/1/2006.

Lilligren moved acceptance of the minutes of the regular meeting of November 17, 2006 and the adjourned session of November 30, 2006. Seconded.

Adopted upon a voice vote 12/1/2006.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 12/1/2006.

PETITIONS AND COMMUNICATIONS

HEALTH, ENERGY AND ENVIRONMENT:

HEALTH AND FAMILY SUPPORT SERVICES (271651)

Get Fit Twin Cities Initiative: Presentation regarding "Get Fit Twin Cities".

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271652)

Minnesota Family Investment Program: Execute amendment to contract with Hennepin County for operation of Minnesota Family Investment Program to receive \$472,878 during calendar year 2007.

HEALTH AND FAMILY SUPPORT SERVICES (271653)

Community Development Block Grant (CDBG) Public Service Funds: Issue request for Proposal for CDBG Public Service funds.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (271654)

Heading Home Hennepin: The Ten-Year Plan to End Homelessness in Minneapolis & Hennepin County.

PUBLIC SAFETY AND REGULATORY SERVICES:

FIRE DEPARTMENT (271655)

Fire Department 2007-2011 Business Plan.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (271656)

Kim's Dog Kair (3759 Fremont Av N): Grant Pet Shop License, subject to conditions.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and T&PW and W&M/Budget and Z&P (See Rep):

PUBLIC WORKS AND ENGINEERING (271657)

Street Furniture: Ordinance amending Appendix J of Code relating to License Fees Schedule, increasing 2007 fees for courtesy bench licenses; and Direct Finance staff to adjust the 2007 budget to reflect an appropriation To the General Fund and transfer to the Municipal Parking Fund.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET

REGULATORY SERVICES (271658)

Nuisance Abatement Program: Report on 2007 Program.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (271659)

2006 Radiological Emergency Preparedness Training: Accept \$4,042.51 donation from Hennepin County to fund cost of Fire Department personnel to attend training; and Approve appropriation.

POLICE DEPARTMENT (271660)

Police Department Intellectual Properties Initiatives: Authorize negotiate and execute annual housing and support service agreements with State of Minnesota for GovToGov Solutions file servers.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (271661)

Minneapolis Off-Street Parking System Marketing Plan Update: Receive and file report.

XCELENERGY/NSP (271662)

Utility Pole: Install one (1) 45' pole on 4th St N for 730 4th St N for overhead to underground conversion. W.O. #10873084.

Utility Pole: Install one (1) 35'/5 pole 20' west of existing pole in front of 514 6th St SE; Design #194882.

Utility Pole: Install two (2) 45'/3 and one (1) 50/3 poles along Univeristy Av SE for 2910 University Av SE; Service Request #554406.

Utility Pole: Install one (1) 45'/4 pole and new guy and anchor on Arthur Av SE for 2910 University Av SE; Service Request #553778.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (271663)

Solid Waste Collection: Resolution of Intent to begin 180-day process to determine solid waste management options for one-half of the City's dwelling units.

Sale of Excess Land: a) Approve sale of 536 1/2 Third Av N to Hennepin County for \$478,525; b) Authorize execution of Quit Claim Deed and other documents necessary to facilitate sale; and

c) Direct that proceeds reimburse Public Works and CPED, with remaining proceeds deposited into the Property Disposition Fund.

RFP for Collection/Subrogation Services: Authorize Request for Proposals (RFP) for collection/subrogation services relating to damage to City property.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (271664)

Rain Barrel Neighborhood Partnership: Authorize agreement with United States Environmental Protection Agency, and accept funds not to exceed \$100,000, for a rain barrel distribution project; and Approve appropriation.

Bids: Accept a) OP 6675, low responsive bid of Werner Electric Supply for vacuum replacement circuit breakers; b) OP 6676, bid of Werner Electric Supply for Allen Bradley electronic items as needed through September 30, 2007; and c) OP 6680, bid of Uhl Company, Inc. for building automation software, hardware, upgrades, and installation for State Parking Ramps A, B, and C.

WAYS AND MEANS BUDGET:

911/311 DEPARTMENT (271665)

911/311 5-Year Business Plan: Receive and File.

FINANCE DEPARTMENT (271666)

2006 - 3rd Quarter Financial Status Report: Receive and File.

City-Wide Financial Options Report: Receive and File.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (271668)

Legal Settlements: a) Victor M. Mills v. William McManus and the City of Minneapolis; and b) LeRoy Harmon v. City of Minneapolis.

CITY CLERK (271669)

Offset Press Operator Position: Approve hire of Christopher Johnson at Step 5 for Offset Press Operator position in the Copy Center.

FINANCE DEPARTMENT (271667)

2006 Gift Acceptance: Acceptance of 3rd quarter list of donations valued under \$1,000.

Green Institute 108 HUD Loan: Authorize execution of agreement with Green Institute, effective December 1, 2006 to address delinquent principal balances.

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (271670)

Appeal:

Neighborhood Financial Services, Inc. (30 W Lake St): Appeal filed from the decision of the Board of Adjustment, regarding an appeal of the decision of the Zoning Administrator regarding the determination that the business is a currency exchange business.

PLANNING COMMISSION/DEPARTMENT (271671)

Appeal:

Porky's Restaurant (1851 Central Ave NE): Appeal filed from the decision of the City Planning Commission regarding applications for: a) conditional use permit for a fast food restaurant; and b) site plan review, both to allow construction of a Porky's drive-through restaurant.

Rezoning:

Porky's Restaurant (1851 Central Ave NE).

Aldrich Avenue Rowhouses (2501, 2505 and 2509 Aldrich Ave S).

FILED:

CITY CLERK (271671.1)

Uncle Bill's Market (2428 Plymouth Av N): Verbatim Transcripts of a portion of the Public Safety & Regulatory Services Committee Meeting held September 27, 2006; and City Council Meeting held October 6, 2006.

The following reports were signed by Mayor Rybak on December 5, 2006, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **HEALTH, ENERGY & ENVIRONMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Hennepin County (HC# A052146, Amendment No. 1) for the operation of the Minnesota Family Investment Program (MFIP) and to contract with Hennepin County to receive \$472,878 for the period of January 1, 2007 to December 31, 2007 (fund 0300 890 8943).

Adopted 12/1/2006.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for Community Development Block Grant (CDBG) Public Service Funds in accordance with priorities adopted by City Council November 3, 2006.

Adopted 12/1/2006.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR - Your Committee, having under consideration a ten-year plan to end homelessness in Minneapolis and Hennepin County developed by the Minneapolis/Hennepin County Commission to End Homelessness, as set forth in Petition No 271654, now recommends passage of the accompanying resolution accepting the plan entitled, "*Heading Home Hennepin: The Ten-Year Plan to End Homelessness in Minneapolis and Hennepin County.*"

Schiff moved to substitute the second "Resolved" paragraph of the resolution which reads, "Be It Further Resolved that City staff annually report to the City Council on the progress of the plan and note specific implications on the forthcoming City budget." with the following language:

"Be It Further Resolved that Finance staff report back to the Community Development and Ways & Means/Budget Committees in February of 2007 on the financial implications to the City's budget over the ten years of the plan, and that City staff include with annual business plans the progress and budget implications of the plan for the upcoming year." Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy.

The report, as amended, was adopted 12/1/2006.

Absent - Colvin Roy.

Resolution 2006R-594, accepting the plan entitled "*Heading Home Hennepin: The Ten Year Plan to End Homelessness in Minneapolis and Hennepin County,*" was adopted 12/1/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-594

By Hodges

Accepting the plan entitled “*Heading Home Hennepin: The Ten Year Plan to End Homelessness in Minneapolis and Hennepin County.*”

Whereas, 40% of people experiencing homelessness are children, with over 4,000 students in the Minneapolis Public School system homeless or highly mobile over the course of a year; and

Whereas, persons experiencing homelessness disproportionately use crisis services at great cost to the public, and research has found that providing stable housing and support services greatly reduces the need for costly crisis care; and

Whereas, best practices such as prevention, outreach, and supportive housing have proven to be effective in reducing homelessness in Minneapolis, Hennepin County and communities across the nation; and

Whereas, over 200 states, counties, and cities nationwide, including the State of Minnesota and Ramsey County, have committed to ending homelessness by developing ten-year plans; and

Whereas, in March of this year, seventy members of our community from all levels of government, non-profit, faith and business, came together to form the Minneapolis/Hennepin County Commission to End Homelessness, with the belief that we could change the paradigm from *managing* homelessness to *ending* it; and

Whereas, the Commission, with the help of over 200 individuals representing the faith, business, government, and philanthropic sectors, nonprofit service providers and people experiencing homelessness, developed a ten-year plan to end homelessness in Minneapolis and Hennepin County called ***Heading Home Hennepin*** that contains six broad goals, thirty recommendations, and over fifty concrete action steps; and

Whereas, the City of Minneapolis has adopted a city goal of ending homelessness; and

Whereas, the City of Minneapolis has housing, job training and employment services that can be used to implement the plan and has allocated resources for a program coordinator to direct planning and implementation;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council accepts ***Heading Home Hennepin: The Ten-Year Plan to End Homelessness in Minneapolis and Hennepin County***, and directs staff to work with our community partners on implementation of this plan.

Be It Further Resolved that Finance staff report back to the Community Development and Ways & Means/Budget Committees in February of 2007 on the financial implications to the City's budget over the ten years of the plan, and that City staff include with annual business plans the progress and budget implications of the plan for the upcoming year.

Adopted 12/1/2006.

Absent - Colvin Roy.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Kimberly M Kenitz, dba Kim's Dog Kair, 3759 Fremont Av N, for a Pet Shop License to expire May 1, 2007, now recommends that said license be granted, subject to the following conditions:

a. No boarding of animals overnight will occur unless a Conditional Use Permit is granted and all zoning requirements are met. Currently no animals may be kenneled at any time.

b. Existing fencing must comply with the conditions set forth by the Zoning Department and must be maintained such that dogs will have no access to those on the public sidewalk (all maintenance must be performed in a professional manner).

c. The licensee must remain current on licensing of all animals and obtain and maintain a multiple animal permit (or reduce to three or less). This permit shall not include or pertain to "business" animals from the grooming shop.

d. The licensee will allow inspections twice per year, or as needed.

e. The licensee will cooperate fully if complaints are received.

f. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/1/2006.

PS&RS - Your Committee, having under consideration the application of T J of Minneapolis Inc, dba Chang Bang, 920 E Lake St, for an On-Sale Liquor Class C-2 with Sunday Sales License (new business) to expire October 1, 2007, now recommends that said license be sent forward without recommendation.

Schiff moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 12/1/2006.

Approved by Mayor Rybak 12/4/2006.

(Published 12/5/2006)

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 12/1/2006.

Resolution 2006R-595, granting applications for Liquor, Wine and Beer Licenses, was adopted 12/1/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-595

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Off-Sale Liquor, to expire October 1, 2007

Skol Inc, dba Skol Liquors, 2500 27th Av S

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2007

T H S Hotel Operations Inc, dba Crown Plaza Northstar Hotel, 618 2nd Av S (new manager)

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2007

Kelber Catering Inc, dba Kelber Catering, 1301 2nd Av S (internal transfer of shares)

Trimark Hotel Corporation, dba Millennium Hotel, 1313 Nicollet Mall

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2007

BRE/TZ Properties Tenant LLC, dba Crowne Plaza Northstar, 618 2nd Av S (change in ownership)

SHG Minneapolis LLC, dba Embassy Suites Minneapolis - Downtown, 425 S 7th St (change in ownership from Promus Hotel Minneapolis Inc)

On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2007

8th Street Garage Inc, dba 8th Street Garage, 800 1/2 Marquette Av (internal transfer of shares)

On-Sale Liquor Class D with Sunday Sales, to expire April 1, 2007

Black Forest Inn Inc, dba Black Forest Inn, 1 E 26th St

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2007

Town Talk Diner LLC, dba Town Talk Diner, 2707 E Lake St (new shareholders)

U Otter Stop Inn Inc, dba U Otter Stop Inn, 617 Central Av NE

On-Sale Wine Class E with Strong Beer, to expire April 1, 2007

Zarjam LLC, dba Mairin's Table, 23 4th St NE, 1st floor

True Thai Restaurant Ltd, dba True Thai Restaurant, 2627 E Franklin Av

Taqueria Don Blass Inc, dba Taco Blass, 3764 Nicollet Av

Pomodoro Inc, dba Prima Pasta Salads Panini, 5325 Lyndale Av S

Temporary On-Sale Wine

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St (December 1, 2006, 5:30 to 7:30 p.m. in Skyway over Nicollet Mall between 9th & 10th Sts).

Adopted 12/1/2006.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 12/1/2006.

Resolution 2006R-596, granting applications for Business Licenses, was adopted 12/1/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-596

By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of December 1, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271656):

Amusement Devices; Place of Amusement Class B-2; Bed & Breakfast Facility; Check Cashing; Christmas Tree; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; Fire Extinguisher Servicing Class A; Caterers; Confectionery; Food Market Distributor; Food Shelf; Short Term Food Permit; Farm - Produce Permits; Grocery; Food Manufacturer; Restaurant; Sidewalk Cafe; Hospital; Hotel/Motel; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Plumber; Rental Halls; Residential Specialty Contractor; Antique Dealer Class B; Sign Hanger; Solicitor - Individual; Tattooist/Body Piercer Establishment; Theater Zone I; Theater Zone III; Tobacco Dealer; Combined Trades; Valet Parking; Wrecker of Buildings Class A; Wrecker of Buildings Class B.

Adopted 12/1/2006.

PS&RS - Your Committee recommends that the following application for a lawful gambling license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Lawful Exempt

Fashion Group International, 730 2nd Av S (Raffle November 9, 2006 at University of Minnesota Mcnamara Alumni Center).

Adopted 12/1/2006.

The **PUBLIC SAFETY & REGULATORY SERVICES, TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

PS&RS, T&PW & W&M/Budget - Your Committee, having under consideration a report from the Department of Public Works relating to the Request for Proposals for street furniture, and having been referred an ordinance amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees Schedule*, increasing 2007 fees for courtesy bench licenses to account for inflationary costs by Regulatory Services to process applications, and to address the garbage collection costs around benches, now recommends the following:

PS&RS & T&PW - that staff be directed to report to the Ways & Means/Budget Committee with a recommendation for a graduated license fee increase.

W&M/Budget - that said ordinance, increasing fees by \$20 for 2007, be given its second reading for amendment and passage. Further, that Finance Department staff be directed to adjust the 2007 budget to reflect an appropriation of \$14,000 for the General Fund (010-127-1270-9075) and to transfer \$14,000 to the Municipal Parking Fund (750-127-1270-3810).

Adopted 12/1/2006.

Ordinance 2006-Or-138 amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees Schedule*, increasing 2007 fees for courtesy bench licenses, was adopted 12/1/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-138
By Colvin Roy
Intro & 1st Reading: 11/3/2006
Ref to: PS&RS & T&PW
2nd Reading: 12/1/2006

Amending Appendix J of the Minneapolis Code of Ordinances relating to License Fees Schedule*.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Appendix J of the above-entitled ordinance be amended to read as follows:

APPENDIX J LICENSE FEES SCHEDULE*

TABLE INSET:	License Ordinance	2006 Fee	2007 Fee
COURTESY BENCH			
New	283.40	\$46.00	\$47.00 <u>\$67.00</u>
Renew	283.40	\$24.00	\$25.00 <u>\$45.00</u>
Transfer	283.240	\$22.00	\$23.00 <u>\$43.00</u>

Adopted 12/1/2006.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a donation from Hennepin County, in the amount of \$4,042.51, to fund the cost of Fire Department personnel to attend the 2006 Radiological Emergency Preparedness Training sponsored

through State of Minnesota grant to Hennepin County. Further, passage of the accompanying resolution appropriating \$4,042.51 to the Fire Department.

Adopted 12/1/2006.

RESOLUTION 2006R-597

By Samuels and Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$4,042.51 and increasing the Revenue Source (060-280-2820 - Source 3220) by 4,042.51.

Adopted 12/1/2006.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute annual housing and support service agreements with the State of Minnesota, in an amount not to exceed \$75,000 annually, for housing, maintenance and monitoring of the Intellectual Properties Initiatives GovToGov Solutions file servers.

Adopted 12/1/2006.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration a 180-day process to evaluate options for a future solid waste collection services contract for the portion of the City serviced by private collectors, and having held a public hearing thereon, now recommends passage of the accompanying Resolution of Intent to organize collection and invite the participation of interested persons, including persons licensed to operate solid waste collection services, in planning and establishing the organized collection system.

Colvin Roy moved that the report be amended by further directing Public Works' staff to include the Teamsters Local 120 and the Central Labor Union as an interested party, pursuant to Minn. Stat. Section 115A.94, in the 180-day planning process. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/1/2006.

Resolution 2006R-598, adopting a Resolution of Intent to organize collection and invite the participation of interested persons, including persons licensed to operate solid waste collection services, in planning and establishing the organized collection system, was adopted 12/1/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-598

By Colvin Roy

Adopting a Resolution of Intent to organize collection and invite the participation of interested persons, including persons licensed to operate solid waste collection services, in planning and establishing the organized collection system.

Whereas, the City of Minneapolis is interested in evaluating whether the private collection of residential solid wastes might be done more efficiently or cost effectively and, to that end, issued a Request for Proposals (RFP) in March, 2006; and

Whereas, the Hennepin County District Court issued an order on September 15, 2006, enjoining the city from proceeding with the RFP for the portion of the city serviced by private collectors on the grounds that the RFP is subject to the procedural requirements of Minn. Stat. Section 115A.94, which order the City Council will comply with; and

Whereas, if the City of Minneapolis chooses to issue an RFP or otherwise change the method for residential municipal solid waste collection, it is required, pursuant to the court's order and Minn. Stat. Section 115A.94 to prepare a Resolution of Intent to organize collection and invite the participation of interested persons, including persons licensed to operate solid waste collection services, in planning and establishing the organized collection system; and

Whereas, the City of Minneapolis on November 9, 2006 and November 21, 2006, held public hearings regarding the adoption of the Resolution of Intent to organize collection pursuant to Minn. Stat. Section 115A.94, Subd. 4.; and

Whereas, the hearing was held at least two weeks after public notice and mailed notice to persons known by the city to be operating solid waste collection services in the city; and

Whereas, during a 90-day period following the Resolution of Intent, the City of Minneapolis shall develop plans or proposals for organized collection; and

Whereas, during this 90-day planning period, the City of Minneapolis shall invite and employ the assistance of persons licensed to operate solid waste collection services in the city as of the date of this Resolution of Intent; and

Whereas, if the City of Minneapolis is unable to agree on an organized collection arrangement with a majority of the licensed collectors who have expressed interest, or upon expiration of the 90 days, the City of Minneapolis may propose implementation of an alternate method of organizing collection as authorized in Minn. Stat. Section 115A.94, Subd. 3; and

Whereas, the City of Minneapolis shall evaluate the proposed organized collection method in light of at least the following standards: achievement of the stated organized collection goals of improved cost-effectiveness, enhanced customer service, greater protection of public security, health and safety; minimization of displacement of existing private collectors of residential solid waste in the city; participation of all interested parties in the decision-making process; and maximization of efficiency in solid waste collection; and

Whereas, upon request, the City of Minneapolis shall provide mailed notice of all proceedings on the organization of collection in the City; and

Whereas, if the City of Minneapolis and all the persons licensed to operate mixed municipal solid waste collection services and doing business in the city or town agree on the plan, the city may implement the plan without regard to the 180-day period specified in Minn. Stat. Section 115A.94, paragraph (a);

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council hereby adopts the Resolution of Intent to organize collection for the portion of the City currently serviced by private collectors and invite the participation of interested persons, including persons licensed to operate solid waste collection services, in planning and establishing the organized collection system.

Adopted 12/1/2006.

T&PW - Your Committee, having under consideration the sale of excess City-owned land located at 536 1/2 Third Av N, legally described as part of Block 2, Rearrangement of Blocks 2 and 3 of Camp and Walkers Addition to Minneapolis and part of Block 4, Hoag's Addition and other adjacent land, all as contained in PID# 22-029-24-42-0100, and having held a public hearing thereon, now recommends:

a) Approval of the sale of said parcel to Hennepin County for \$478,525, and authorizing the proper City officers to negotiate the final Purchase Agreement;

b) That the proper City officers be authorized to execute a Quit Claim Deed and any other documents necessary to facilitate the sale of said property to Hennepin County; and

c) That the sale proceeds be used to reimburse Public Works and CPED for the expenses associated with selling the property, with the remaining balance deposited into the Property Disposition Fund (6200-923-9242) Land Sales.

Adopted 12/1/2006.

T&PW - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for a one-year pilot program to pursue enhanced collection/subrogation services relating to damage to City property.

Adopted 12/1/2006.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying resolutions:

a) Accepting a grant not to exceed \$100,000, and authorizing the execution of an agreement with the United States Environmental Protection Agency for Great Cities Partnership Grant Program to implement a neighborhood rain barrel distribution project; and

b) Increasing the appropriation and revenue in the Regulatory Services Agency in the Grants-Federal Fund by \$100,000.

Adopted 12/1/2006.

Resolution 2006R-599, authorizing execution of an agreement with the United States Environmental Protection Agency for Great Cities Partnership Grant Program to implement a neighborhood rain barrel partnership, was adopted 12/1/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-599
By Colvin Roy and Ostrow

Authorizing execution of an agreement with the United States Environmental Protection Agency for Great Cities Partnership Grant Program to implement a neighborhood rain barrel partnership.

Whereas, the City is committed to enhancing its natural environment and overall well being; and

Whereas, stormwater runoff from roofs, lawns and gardens often has a deleterious effect upon our lakes, streams and the Mississippi River; and

Whereas, the use of rain barrels in conjunction with the use of river- and lake-friendly lawn and garden practices will mitigate the negative effects from stormwater runoff; and

Whereas, the City submitted an application to the United States Environmental Protection Agency Great Cities Partnership Grant Program to implement a neighborhood rain barrel partnership;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to execute a Great Cities Partnership Grant Agreement and accept a grant not to exceed \$100,000.

Be It Further Resolved that the proper City officers be authorized to enter into subsequent contracts necessary to achieve the goals of the grant.

Be It Further Resolved that as a condition to receive funds under this Grant Agreement, the City agrees to implement a neighborhood rain barrel partnership program as committed to by its submission of the grant application.

Adopted 12/1/2006.

RESOLUTION 2006R-600
By Colvin Roy and Ostrow

Amending The 2006 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Regulatory Services Agency in the Grants-Federal Fund (0300-835-8396) by \$100,000 and increasing the revenue source (0300-835-8396-Source 3210) by \$100,000.

Adopted 12/1/2006.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 6675, Accept low responsive bid of Werner Electric Supply, in the amount of \$229,658, to furnish and deliver vacuum replacement circuit breakers;

b) OP 6676, Accept bid of Werner Electric Supply, for an estimated annual expenditure of \$100,000, to furnish and deliver Allen Bradley electronic items as needed through September 30, 2007; and

c) OP 6680, Accept bid of Uhl Company, Inc., for an estimated annual expenditure of \$90,000, to furnish and deliver building automation software, hardware, upgrades, and installation for State Parking Ramps A, B, and C.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 271664).

Adopted 12/1/2006.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 12/1/2006.

Resolution 2006R-601, authorizing settlement of the legal claims of Victor M. Mills, and LeRoy Harmon, was adopted 12/1/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-601

By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlements of:

a) Victor M. Mills v. William McManus and City of Minneapolis, by payment of \$25,000, payable to Victor M. Mills and his attorneys, Nichols, Kaster & Anderson, P.L.L.P.; and authorize execution of any documents and non-monetary relief necessary to effectuate said settlement; and

b) LeRoy Harmon v. City of Minneapolis, by payment of \$12,000, payable to LeRoy Harmon and his attorney, Larry Stern; and authorize execution of any documents necessary to effectuate said settlement.

Adopted 12/1/2006.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to offer Christopher Johnson (Step 5), initially at the 3 month probation rate for the position of Offset Press Operator in the Copy Center. Funds are available in current appropriation (6400-260-2630).

Adopted 12/1/2006.

W&M/Budget – Your Committee recommends acceptance of the Third Quarter 2006 list of donations made to the City of Minneapolis valued under \$1,000, as set forth in Petn No 271667 on file in the Office of the City Clerk.

Adopted 12/1/2006.

W&M/Budget - Your Committee having under consideration the Green Institute's Section 108 HUD Loan, now recommends that the proper City officers be authorized to execute a new loan agreement, separate from the existing Section 108 loan with Green Institute, effective December 1, 2006 to address the delinquent principal balances.

Ostrow moved that the report be referred to the Community Development Committee. Seconded.
Adopted 12/1/2006.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Trygue Truelson from the decision of the Planning Commission which denied applications for conditional use permit and site plan review for a fast food restaurant with drive-through for a Porky's Restaurant at 1851 Central Ave NE, now recommends:

a) that the appeal related to the conditional use permit for a fast food restaurant be granted and the application be approved; and

b) that the appeal related to the site plan review be granted, and the site plan approved subject to the following conditions: 1. The facility (restaurant, drive-through and dining area) hours will be from 10:00 a.m. to 10:00 p.m., Sunday through Thursday, and from 10:00 a.m. to 11:00 p.m. on Friday and Saturday; 2. The applicant will arrange for trash and litter pickup on and around the Porky's premises each evening and each morning before noon. The applicant shall comply with City ordinances about the removal of weeds and graffiti from the premises; 3. All storage of refuse and recyclable materials will be located in a trash enclosure in the northeast corner of the site; 4. The applicant will post signs stating, "Turn off cars while on the premises" so that revving engines (automobile or motorcycle) will not be allowed on the premises. The applicant shall post signs for drive-through customers instructing them to turn down car speakers, consistent with the City's noise ordinance in order to protect nearby residents from noise. The drive-through speakers shall not be audible from the eastern property line; 5. The applicant will post signs that limit patrons' on-site parking to one hour or less; 6. The applicant will not promote cruising or classic car events at the site; 7. The applicant will work with Public Works on measures to structurally direct traffic exiting from the site to turn left onto 19th Ave NE and will post signage prohibiting right turns onto 19th. The applicant shall pay the cost of any necessary improvements; 8. The applicant will include seating for not less than 30 patrons in the restaurant with the addition of 4 bicycle racks; 9. Most of the parking lot stormwater runoff shall drain on-site; 10. Applicant shall comply with fenestration requirements of the zoning code and meet all other components of site plan review, including 20 percent landscaping; 11. Stacking requirements of site plan review shall be met; 12. Wheel stops shall be provided per Zoning Code 530.230; 13. All lighting shall be recessed to minimize light pollution; 14. The applicant will work with Public Works to implement a curb bump-out at the corner of 19th and Central Avenues NE; 15. A masonry wall along the public alley shall be installed in order to buffer noise from the residential properties to the east; and 16. All site improvements shall be completed by December 1, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Adopted 12/1/2006. Yeas, 10; Nays, 3 as follows:

Yeas – Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Johnson.

Nays – Gordon, Schiff, Lilligren.

Z&P – Your Committee, having under consideration the application of Trygue Truelson (BZZ-3251) to rezone the property at 1851 Central Ave NE from C1 to the C2 District for construction of a Porky's drive-through restaurant, now recommends that said petition be granted, notwithstanding the recommendation of staff and the Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 12/1/2006. Yeas, 10; Nays, 3 as follows:

Yeas – Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Johnson.

Nays – Gordon, Schiff, Lilligren.

Ordinance 2006-Or-139 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1851 Central Ave NE to the C2 District, was adopted 12/1/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-139
By Schiff
1st & 2nd Readings: 12/1/2006

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Provos Addition to Minneapolis, Block 2, Lots 12 to 15 incl. (1851 Central Ave NE - Plate 10) to the C2 District.

Adopted 12/1/2006. Yeas, 10; Nays, 3 as follows:

Yeas – Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, Hofstede, Ostrow, Johnson.

Nays – Gordon, Schiff, Lilligren.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Aldrich Avenue, LLC (BZZ-3227) to rezone the properties at 2501, 2505 and 2509 Aldrich Ave S from R2B to the R4 District to permit construction of a 3-story, 9-unit condominium development and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 12/1/2006.

Ordinance 2006-Or-140 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2501, 2505 and 2509 Aldrich Ave S to the R4 District, was adopted 12/1/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-140
By Schiff
1st & 2nd Readings: 12/1/2006

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 8, 9 and 10, Block 1, Twenty-Fifth Street Addition to Minneapolis (2501, 2505 and 2509 Aldrich Ave S - Plate 18) to the R4 District.

Adopted 12/1/2006.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of January, 2007, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 12/1/2006.

Benson introduced an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, which was given its first reading and referred to the Health, Energy & Environment Committee (amending the reporting authority for submission of quarterly reports to the appropriate City Council Committee).

Ostrow introduced the subject matter of an ordinance amending Title 9, Chapter 176 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Burglary and Holdup Alarm Systems*, which was given first reading and referred to the Public Safety & Regulatory Services Committee (requiring Alarm Monitoring companies to be licensed and to register their alarm users).

RESOLUTIONS

Resolution 2006R-602, honoring Belva Rasmussen for 25 years of service to the City of Minneapolis, was adopted 12/1/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-602
By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff,
Remington, Benson, Colvin Roy and Hodges.

Honoring Belva Rasmussen for 25 years of service to the City of Minneapolis.

Whereas, Belva Rasmussen is the Chief Executive Officer and Chair of the Board of Directors of the Northeast Bank in Minneapolis; and

Whereas, Belva Rasmussen is a committed member of the business community serving on the Advisory Council of Wells Fargo Bank and as the Director/Chair of Northeast Securities Corporation; and

Whereas, Belva Rasmussen is an effective member of the National Association of Women Business Owners and the Financial Women International; and

Whereas, Belva Rasmussen is an involved member of the community as exhibited by her involvement as a board member of the Ballet of Dolls, East Side Neighborhood Services, Inc., United Way of Minneapolis, Minnesota Orchestral Association, Women's Health Fund, and the Walter C. Rasmussen-Northeast Bank Foundation; and

Whereas, Belva Rasmussen has been awarded numerous honors such as the National Association of Women Business Owners Lifetime Achievement Award, the Independent Community Bankers of America Grand National Community Bank Service Award, the Minnesota Keystone Program Award, the Spirit of Chrysalis Award, the Finance & Commerce Twin Cities Top Women Finance Award, the Minneapolis Blooming Boulevard Award, and the Financial Women International Corporation of the Year Award; and

Whereas, Belva Rasmussen has been an advocate, mentor and role model for women in business; Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we honor Belva Rasmussen for her tireless commitment to the City of Minneapolis, her ongoing commitment to the community and especially to mentoring women in business, and wish her continued success and dedication to her passion for her work and to Minneapolis.

Adopted 12/1/2006.

Resolution 2006R-603, honoring Stephanie Melhus for her dedicated service to the City of Minneapolis, was adopted 12/1/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-603

By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges

Honoring Stephanie Melhus for her dedicated service to the City of Minneapolis.

Whereas, Stephanie Melhus has faithfully served the City of Minneapolis beginning in the City Coordinator's office in 1977 and then working the majority of her career at the Minneapolis Auditorium and the Minneapolis Convention Center; and

Whereas, Stephanie has contributed to furthering the goals of the City of Minneapolis through the effective coordination of thousands of events and interactions with millions of guests; and

Whereas, Stephanie has consistently served the clients of the Minneapolis Auditorium and Minneapolis Convention Center with a positive, customer driven approach; and

Whereas, Stephanie's knowledge, skills and dedication to her profession throughout her 30-year tenure have earned her the respect and friendship of colleagues, clients, and guests; and

Whereas, Stephanie has made significant contributions to the City during her tenure, including that she:

- Led the effort to centralize and define event policies and procedures through yearly updates of the Facility Users Guide
- Mentored and taught a long list of event coordinators and MCC Staff
- Assisted with the transition from the Auditorium to the Convention Center and then the expansion to the current Convention Center facility; and

Whereas, the City of Minneapolis and the Minneapolis Convention Center wish to formally recognize the achievements of Stephanie and her dedicated service to the Department and the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we thank Stephanie Melhus for her outstanding service and dedication to the City of Minneapolis.

Be It Further Resolved that we wish Stephanie much happiness, good health and personal fulfillment in the years to come knowing she will go on to great new challenges and successes.

Adopted 12/1/2006.

Resolution 2006R-604, honoring Pam Colby for 20 years of service to Minneapolis Telecommunications Network, was adopted 12/1/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-604

**By Ostrow, Gordon, Hofstede, Johnson, Lilligren, Glidden, Schiff, Remington, Benson,
Colvin Roy, Hodges**

Honoring Pam Colby for Twenty Years of Service to Minneapolis Telecommunications Network.

Whereas, the Minneapolis Telecommunications Network (MTN) provides public access to the communications power of cable television in the City of Minneapolis; and

Whereas, MTN provides training to Minneapolis citizens in video technology, and equipment and facilities they can use to produce their media messages; and

Whereas, MTN strengthens community by encouraging creation of and access to programs and information using electronic technology; and

Whereas, MTN also has long been a leader in Media Education for youth; through long term partnerships with local schools and institutions, MTN has brought video production and media literacy to young people. MTN provides unique education and mentoring programs for young people in grades six through twelve; and

Whereas, MTN supports freedom of expression for all; and

Whereas, MTN serves over 400 volunteer community producers with community television productions taking place in every neighborhood in Minneapolis; and

Whereas, Pam Colby has served MTN for twenty years, including eleven years as the Executive Director of the organization; and

Whereas, Pam Colby also serves as the President of the Board of the National Alliance for Media Arts and Culture, an organization that supports and advocates for independent film, video, audio and online/multimedia arts; and

Whereas, Pam Colby has also been a prolific maker of community media herself, producing, among other pieces, the 2004 documentary "Wellstone!"; and

Whereas, Pam Colby will be recognized tonight at the Annual "MTN Appreciation Party" for her twenty years of service to community television and to MTN;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council congratulates Pam Colby for her 20 years of service to the community.

Be it Further Resolved that the City Council wishes Pam Colby health, happiness, and best wishes for the future.

Adopted 12/1/2006.

Resolution 2006R-605, recognizing December 10, 2006 as Human Rights Day in the City of Minneapolis, was adopted 12/1/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-605

**By Glidden, Lilligren, Remington, Ostrow, Gordon, Hofstede, Johnson, Samuels,
Goodman, Schiff, Benson, Colvin Roy and Hodges**

Recognizing December 10, 2006 as Human Rights Day.

Whereas, on December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights; and

Whereas, the Universal Declaration of Human Rights, <http://www.un.org/overview/rights.html>, guarantees the rights of all people and encompasses a broad spectrum of economic, social, cultural, political and civil rights; and

Whereas, the International Covenant on Civil and Political Rights (ICCPR) <http://www.ohchr.org/english/law/ccpr.htm>, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) <http://www.ohchr.org/english/law/cat.htm>, and the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms <http://www.ohchr.org/english/issues/defenders/declaration.htm>, are all international documents impacting the rights of individuals; and

Whereas, the human rights treaties were ratified by the United States Congress as "part of the supreme law of the land" under the United States Constitution and are recognized as such in the 1998 Executive Order 13107, <http://www.fas.org/irp/offdocs/eo13107.htm>; and

Whereas, December 10th, 2006 continues to be recognized as Human Rights Day worldwide, and activities and celebrations mark the significance of the Universal Declaration of Human Rights;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That December 10, 2006, be recognized as Human Rights Day in the City of Minneapolis and that all citizens be encouraged to familiarize themselves with the Universal Declaration of Human Rights and apply the human rights framework to issues in the United States, the State of Minnesota, the City of Minneapolis, and our community, and recognize and support human rights in our daily lives.

Adopted 12/1/2006.

UNFINISHED BUSINESS

Comm Dev - Your Committee forwards without recommendation the recommendation of the Department of Community Planning & Economic Development (CPED) to authorize the sale of the property at 1011 E 28th St to Delores Holmes for \$3,000, by passage of the accompanying resolution, subject to the following conditions:

- a) That land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval; and
- c) That a conservation easement be placed on the parcel.

The sale conditions may be waived or amended with the approval of the Director of CPED.

Schiff moved that the report be referred back to the Community Development Committee.
Seconded.

Adopted upon a voice vote 12/1/2006.

DECEMBER 1, 2006

Johnson moved to adjourn to Monday, December 11, 2006 at 5:05 p.m. in the Council Chamber for the purpose of adopting the 2007 budget. Seconded
Adopted upon a voice vote 12/1/2006.

Merry Keefe,
City Clerk.

Unofficial posting: 12/04/2006
Official posting: 12/08/2006
Corrections: 1/3/2007; 5/1/2007